

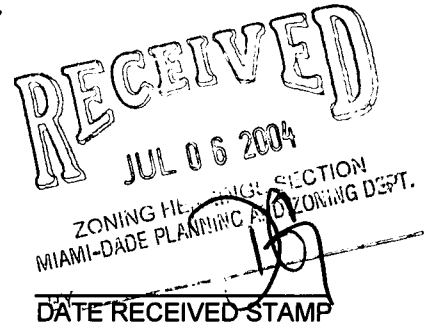
PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE \$1,324¹⁵

RECEIPT # _____

DATE HEARD: ____/____/____

BY CZAB # _____



This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 202-305 (03-1-CZ15-6) CZAB151904

Filed in the name of (Applicant) H.R. Realty & Investment, Inc.

Name of Appellant, if other than applicant Manuel Dorta-Duque
and The Farm, Inc.

Address/Location of APPELLANT'S property:

Folio No. 30-6020-000 -0020; 76 acre parcel immediately
south of and adjacent to applicant's property.

Application, or part of Application being Appealed (Explanation):

Requests 1, 3, 4, 6, 7

Appellant (name): Manuel Dorta-Duque & The Farm, Inc.

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

(State in brief and concise language)

See attached letter from attorney for appellant;
the requests are contrary to the law, not supported
by competent substantial evidence, and the proceedings
below failed to provide due process of law.

APPELLANT'S AFFIDAVIT OF STANDING

(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Kent Harrison Robbins, attorney (Appellant) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☐ 2. Original Applicant
☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury, and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Mariam Donner
Signature

MARIAM DONNER
Print Name

Arthur J Morburger
Signature

ARTHUR J MORBURGER
Print Name

Kent Harrison Robbins
Appellant's signature

Kent Harrison Robbins
Print Name
attorney for appellant
Manuel Dorta-Duque
& The Farm, Inc

Sworn to and subscribed before me on the 7 day of JULY, year 2004

Appellant ~~is personally known to me or has produced~~ Fla Driver's License as identification.



Arthur J. Morburger
Commission #DD322371
Expires: Jun 07, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Arthur J Morburger
Notary
(Stamp/Seal)

Commission Expires:

APPELLANT MUST SIGN THIS PAGE

Date: 6 day of July, year: 2004

Signed

Kent Harrison Robbins, attorney

Kent Harrison Robbins

Print Name

1224 Washington Avenue
Miami Beach Florida 33139

Mailing Address

305-532-0500 305-531-0150

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT
If you are filing as representative of an
association or other entity, so indicate:

The Farm, Inc and

Manuel Dorta-Duque

Representing

Kent Harrison Robbins

Signature

Kent Harrison Robbins

Print Name

see above

Address

City

State

Zip

Telephone Number

Subscribed and Sworn to before me on the 6th day of JULY, year 2004

and produced her Florida Driver's License

Arthur J. Morburger

Notary Public



Arthur J. Morburger
Commission #DD322371
Expires: Jun 07, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

(stamp/seal)

Commission expires:

KENT HARRISON ROBBINS

**ATTORNEY AT LAW
1224 WASHINGTON AVENUE
MIAMI BEACH, FLORIDA 33139**

(305) 532-0500

July 6, 2004

Board of County Commissioners
c/o Public Hearings Section
Miami-Dade County Planning & Zoning Department
11th Floor
111 NW First Street
Miami, Florida 33128

Re: Appeal of the Decision of Community Zoning Appeal Board 15
Hearing No. Z02-305 (03-1-CZ15-6)
Statement of Grounds and Reasons for Reversal
Appellant: Manuel Dorta-Duque and The Farm, Inc.
Applicant: H.R. Realty & Investments, Inc.
Hearing Date: June 16, 2004
Posting Date: June 21, 2004
Appeal Deadline: July 6, 2004

Dear Commissioners:

Pursuant to Section 33-313 of the Zoning Code of Miami-Dade County, Manuel Dorta-Duque and The Farm, Inc. appeal the June 16, 2004 decision (posted June 21, 2004) of the Community Zoning Appeal Board 15 in File No. 03-1-CZ15-6, Applicant H.R. Realty & Investments, Inc. to the Board of County Commissioners. Under the cited code, the County Commission shall conduct a de novo hearing and shall consider why the Community Zoning Appeal Board should or should not be sustained or modified.

In accordance with the instructions of staff, I am enclosing a check in the amount of \$1,324.15 to pay for the filing fees and ½ of the cost of the radius fee for sending notices to the adjacent property owners.

I represent Manuel Dorta-Duque and The Farm, Inc. Mr. Dorta-Duque is the fee simple owner of the 76 acre farm immediately south of and adjacent to the property subject to the decision. Mr. Dorta Duque is a farmer and he utilizes his property for agricultural use. The Farm, Inc. is Mr. Dorta-Duque's family owned corporation which farms his property.

The proposed application provides for up-zoning for a housing development on the site immediately to the north of Mr. Dorta-Duque's farm. At the time of the community council hearing, Mr. Dorta-Duque objected to waivers and variances requested by the applicant which would reduce or eliminate required setbacks, frontages and section line roads.

The particular requests presented and approved by the community counsel that are challenged by this appeal are the following:

1. Permitting lots with 0 feet of frontage on a public street where 50 feet is required and permitting access to a public street by means of private drives where such access is prohibited. (See request # 4 before CZAB.)
2. Permitting only 0 feet to 25 feet of dedication on the north half of S.W. 232nd Street for right-of-way where zoning and subdivision requirements for section roads compel that property owners dedicate a 80 foot right-of-way which would require a 40 feet width of the subject property (the north half of S.W. 232nd Street) to be dedicated for such right-of-way. (See request #6 before CZAB.)
3. Permitting parking and driveways within 25 feet of an official right-of- way. (See request #7 before CZAB.)

All three of the approved requests have an adverse impact on the future residents on the applicant's property by removing a buffer that should be created by streets, swales, driveways and setbacks, and placing future residents closer to the agricultural property exposing the new reside to the negative impact of the pesticide and herbicide spraying and dusting from Mr. Dorta-Duque's adjacent farm, an activity that is an established part of the agricultural use of his property. The lack of a buffer is adverse to public health and safety and adversely affects the air that the future residents will breathe. The community counsel failed to consider the character of the area and its peculiar suitability for residential uses immediately abutting land with agricultural

uses. It failed to encourage the most appropriate use of the land and reasonable buffers between different uses.

Moreover, the Miami Dade Public Works Department objected to requests #4, #6, and #7. The requests were adverse to the public interest, not compatible with the surrounding land uses, detrimental to the community, and contrary to the law. Further, before the community council, the chairman denied the undersigned's request to cross-examine the representative of the Public Works Department who testified before the board.

The waiver of the requirement to dedicate the right-of-way on all section lines pursuant to Section 33-133(C) of the Code of Miami-Dade County is contrary to the law. The code requires all section lines to have a minimum right-of-way width of 80 feet. Historically, a road has traversed the south side of the applicant's property which was used by Mr. Dorta-Duque as a means of access to his farm. The denial of the code-required right-of-way and failure of the applicant to dedicate the south 40 feet of the subject property for SW 232nd Street (the north 40 feet of said street) is contrary to the law.¹ Moreover, it adversely affects Mr. Dorta-Duque's transportation to and from his land and adversely affects his access. Further, because the land south of the section line must be encumbered by 232nd Street because the adjoining land north of the section line has been exempted, by the challenged decision, from its required dedication, the decision adversely impacts the agricultural land immediate outside of the Urban Development Boundary. Land within the UDB should not be given preference to the detriment of the land outside the UDB.

Neither the planning staff nor the applicant considered the unfavorable, adverse impact of the rezoning and development on a historic resource, the Black Creek Archaeological Zone, a zone proposed by Miami-Dade County staff, comprised of a tree hammock with evidence of a prehistoric Tequesta Indian Settlement. The 1990 Metropolitan Dade County Historic Preservation Board Designation Report, copy attached, also was concerned with the possibility of burial grounds on the site. The archaeological zone abuts the applicant's property and, the hammock does, in fact,

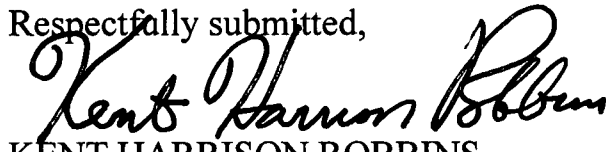
¹Commissioner Sorenson had previously sponsored legislation that amended Section 33-133 to exempt such a right-of-way requirement for SW 102 Avenue between Black Creek Canal and SW 232 Street but that legislation did **not** exempt the right-of-way requirement for SW 232 Street.

overlap the south property line. The development will have an unfavorable impact on the environmental and natural resources of Miami-Dade County.

Additionally the total number of units permitted by the RU-3M and RU-1M(a) rezonings would be 700. The Land Use Plan map of the CDMP designates the site for low density residential use which permits a maximum of 360 units on the site. The rezonings are inconsistent with the comprehensive plan. The use of a covenant to limit the maximum number of units circumvents the zoning process by allowing land uses not contemplated as being within a consistent land development regulation district when the authorities having jurisdiction considered the compatibility of and consistency of those land development regulation districts with respect to the CDMP. Individualized covenants are inconsistent with the statutory requirements for creating land development regulations. The requirements of review by a planning advisory board and legislators with multiple notice, hearing, and other procedural requirements cannot and should not be circumvented by piece-meal zoning by covenant. Further, the proposed covenants may be modified over time without the procedural safeguards that zoning requires.

The decision of the Community Zoning Appeal Board 15 should be reversed and/or modified to provide adequate buffers including dedicated 40 foot right-of-ways, swales, frontage, setbacks, and driveways.

Respectfully submitted,



KENT HARRISON ROBBINS

Enclosures

copy to:

Stanley Price

Attorney for H.R. Realty & Investments, Inc.

Suite 2500

200 South Biscayne Boulevard

Miami, Florida 33131

Black Creek Archaeological Zone

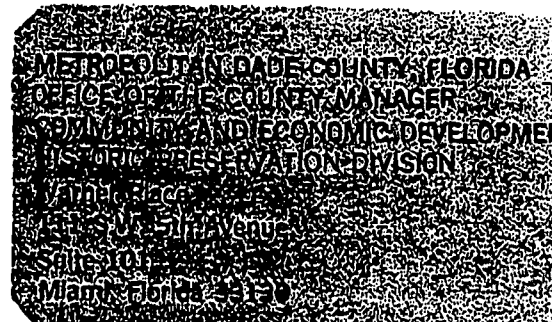
METROPOLITAN DADE COUNTY HISTORIC PRESERVATION BOARD

DESIGNATION REPORT — ARHCEOLOGICAL ZONE

Designation No.
Date of Filing
Date of Designation

Ownership

Mr. Manuel Dorta-Duque
Masters Landscape
24150 S.W. 120 Avenue
Miami, Florida 33032



Location — Legal description of the zone (attach map with property lines, roads, municipal boundaries, etc.)

A parcel of land lying in Section 20, Township 56 South, Range 40 East in Dade County, Florida described as follows: Commence at the North Quarter Corner of said Section 20; thence run East, as a basis of bearings, along the North boundary of said Section 20 for a distance of 200 feet to a Point of Beginning; thence S. 29° W. for 412 feet; thence N. 54° W. for 308 feet; thence North for 180 feet; thence N. 68° E. for 270 feet; thence S. 62° 51' E. for 223.17 feet to the Point of Beginning, containing 2.9 acres more or less.

Dade County Historic Survey Findings — list known sites in the zone and the survey findings:

The zone encompasses a tree island site situated on the south bank of Black Creek. The site was designated by the State's Master Site file as 8DA1031. The island supports a community of hardwood and ficus trees. Soil is a thin deposit on top of exposed oolitic limestone bedrock that composes the island substrate. Prior to drainage, the island rose about 2-3 feet above the surrounding wetlands.

6/1/04

Attn: Kent

Current Zoning (describe):

AU - vacant land currently used for cultiv

SIGNIFICANCE

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Archeology-Prehistoric | <input type="checkbox"/> Engineering | <input type="checkbox"/> People |
| <input checked="" type="checkbox"/> Archeology-Historic | <input type="checkbox"/> Exploration/Settlement | <input type="checkbox"/> Philosophy |
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Historical Events | <input type="checkbox"/> Politics/Government |
| <input type="checkbox"/> Architecture | <input type="checkbox"/> Industry | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Art | <input type="checkbox"/> Invention | <input type="checkbox"/> Science |
| <input type="checkbox"/> Commerce | <input type="checkbox"/> Landscape Architecture | <input type="checkbox"/> Sculpture |
| <input type="checkbox"/> Communications | <input type="checkbox"/> Law | <input type="checkbox"/> Social/Humanitarian |
| <input type="checkbox"/> Community Planning | <input type="checkbox"/> Literature | <input type="checkbox"/> Theater |
| <input type="checkbox"/> Conservation | <input type="checkbox"/> Military | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Economics | <input type="checkbox"/> Music | <input type="checkbox"/> Other (special) |
| <input type="checkbox"/> Education | | |

Significance — Brief summary including documentary evidence that indicates the historical, architectural or archeological significance of the site.

This site has both prehistoric and Seminole Indian components. An archaeological survey of the site in December 1978 revealed a surface scatter of marine shell, animal bones, and pottery sherds indicating a prehistoric Tequesta Indian settlement on the island. Prehistoric burials are also a possibility. Historic activity was documented by several black glass bottle fragments dating to the 1840's. A survey by E.S. Fredrick in 1904 refers to the island as an "Old Indian Field."

(Use additional sheets if necessary)

SEE CONTINUATION SHEET ☐

Current Use (describe):

Vacant land currently used for trash. Adjacent areas in cultivation.

Current Condition:

☐ Excellent ☒ Good ☐ Fair ☐ Deteriorated ☒ Unexposed
☐ Unaltered ☐ Altered
☐ Original Site ☐ Moved _____

Physical Description of Site (see attached photos):

The site encompasses an area of about 150 feet east-west with about 75 feet north-south on the site's longest axis. Near the southwest end of the island two piles of limestone rocks suggest prior Seminole cultivation. A ficus tree growing on top one of the piles suggests a date of at least 50 years for these rock piles. Some bulldozing along the island's edge has pushed spoil into the island. Modern trash is also deposited across the island. Today the island is surrounded by agricultural fields. Drainage has dried the surrounding area.

(Use additional sheets if necessary)SEE CONTINUATION SHEET ☐

80

Impacts—Impact of the designation on proposed public improvements,
renewal projects or private development.

No known proposed projects or developments are known for this property.

Staff Recommendation:

Staff recommends designation of this site as Black Creek Archaeological
Zone.

Special Standards for Certificate of Appropriateness:

Any special standards will follow the general guidelines as recommended for
archaeological zones as detailed in the "Rules and Regulations for Review of
Historic Site Designation and Issuance of Certificates of Appropriateness."

Bibliographic References:

Dade County Historic Survey: Archaeology.

1980 Report on file with Metro-Dade County Historic Preservation Division.

Fredrick, E.S.

1904 Platt map for Township 56S, Range 40E, on file in Dade County Public Works.

Title Verification (attach copy): Book
13742

Page No.
3517

Deed Type

Draft Resolution Designating the Property:

WHEREAS, the Black Creek Archaeological Zone encompasses a prehistoric Tequesta and Seminole site and,

WHEREAS, the Black Creek Archaeological Zone is located:

In a parcel of land lying in Section 20, Township 56 South, Range 40 East in Dade County, Florida described as follows: Commence at the North Quarter Corner of said Section 20; thence run East, as a basis of bearings, along the North boundary of said Section 20 for a distance of 200 feet to a Point of Beginning; thence S. 29° W. for 412 feet; thence N. 54° W. for 308 feet; thence North for 180 feet; thence N. 68° E. for 270 feet; thence S. 62° 51' E. for 223.17 feet to the Point of Beginning, containing 2.9 acres more or less.

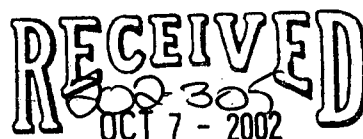
NOW, THEREFORE, BE IT RESOLVED, that the Historic Preservation Board on October 17, 1990 has designated the Black Creek Archaeological Zone as an archaeological zone pursuant to the Metropolitan Dade County Historic Preservation Ordinance (81-13) and the Black Creek Archaeological Zone is subject to all rights, privileges and requirements of that ordinance.

Designation is approved as evidenced by the signature of the Historic Preservation Board Chairman.

ZONING HEARING APPLICATION

METROPOLITAN DADE COUNTY

ALL FOLIO NUMBERS ARE REQUIRED



30-6017-000-0051

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING
Date Received Stamp

PLEASE TYPE OR PRINT LEGIBLY, IN INK, ALL INFORMATION ON APPLICATION

1. Name of Applicant H.R. Realty & Investments, Inc., a Florida corporation
- if applicant is owner, give name exactly as recorded on deed.
 - if applicant is lessee, attach copy of valid lease of 1 year or more and Owner's Sworn-to-Consent form.
 - if applicant is corporation, partnership, limited partnership, or trustee, a separate Disclosure of Interest form must be completed.

Mailing Address 705 Arvida Parkway

City Miami State Florida Zip 33156

Tel. # (during working hours) 305-577-0909 Other _____

2. Name of Property Owner Same as above

Mailing Address _____

City _____ State _____ Zip _____

Tel. # (during working hours) _____ Other _____

3. Contact Person William W. Riley, Jr., Esquire, Bilzin Sumberg Dunn Baena Price & Axelrod LLP

Mailing Address 200 South Biscayne Boulevard, Suite 2500

City Miami State Florida Zip 33131-2336

Tel. # (during working hours) 305-375-6139 Other _____

4. LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THE APPLICATION
- if subdivided, provide lot, block, complete name of subdivision, plat book and page number.
 - if metes and bounds description, provide complete description, (including section, township and range).
 - submit 7 copies of a survey if property is odd-shaped (1" to 300' scale).
 - if separate requests apply to different areas, provide the legal description of each area covered by a separate request.
 - attach a separate, typed sheet if necessary. Verify the legal is correct.

See Exhibit "A".

5. Address or location of property: See Exhibit "A"

6. Size of property: _____ ft. X _____ ft. Acres 60.0000±

7. Date subject property acquired ☒ or leased ☐ _____ day of April, 1990.

Term of lease _____ years/months.

8. Does property owner own contiguous property to the subject property? If so, give complete legal description of entire contiguous property. (If lengthy, please type on a sheet labeled "Contiguous Property.")

No

9. Is there an option to purchase ☐ or lease ☐ the subject property ☐ property contiguous thereto?

☐ yes or ☒ no

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification(s): EU-M

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require a special exception to permit site plan approval except for rezoning to residential of 3 acres or less.

☒ District Boundary (Zone) Change(s):
Zone classifications request change from EU-M to RU-3M

☐ Special Exception to permit Site Plan Approval for _____

☐ Unusual Use _____

☐ Use Variance _____

☐ Non-use Variance _____

☐ Special Exception _____

☐ Modification of previous resolution/plan _____

☐ Modification of Declaration or Covenant _____

12. Has a public hearing been held on this property within the last year and a half? ☐ yes ☒ no

If yes, applicant's name _____

Date of hearing _____

Nature of hearing _____

Decision of hearing. _____

Resolution # _____

13. Is this hearing being requested as a result of a violation notice? ☐ yes ☒ no

If yes, give name to whom violation notice was served

Nature of violation _____

14. Are there any existing structures on the property? ☐ yes ☒ no

If yes, briefly describe _____

15. Is there any existing use on the property? ☐ yes ☒ no

If yes, what is the use and when was it established? Use _____

Established _____

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the owner/tenant of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be completed and accurate before a hearing can be advertised.

Sworn to and subscribed before me
this _____ day of _____, 2002.

Signature _____
Notary Public
Commission Expires: _____

CORPORATION AFFIDAVIT

We, H.R. Realty & Investments, Inc., a Florida corporation, being first duly sworn depose and say that we are the President/Vice-President, and Secretary/Asst..Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; that all answers to the questions in said application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised.

President' Signature (Corp. Seal)

Farajollah Saedi, President (Corp. Seal)

ATTEST:

Sworn to and subscribed before me
this 3rd day of October, 2002.

Badrozaman Saedi, Secretary
Notary Public
Commission Expires: _____



PARTNERSHIP AFFIDAVIT

We, the undersigned, being first duly sworn depose and say that we are partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; that all answers to the questions in said application and all sketches, data, and other supplementary matter attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said partnership is the owner/tenant of the property described herein which is the subject matter of the proposed hearing. We understand this application must be complete and accurate before a hearing can be advertised.

(Name of Partnership)

By _____ %
By _____ %

By _____ %
By _____ %

Sworn to and subscribed before me
this _____ day of _____, 2002.

Notary Public
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, William W. Riley, Jr., Esquire, Bilzin Sumberg Dunn Baena Price & Axelrod LLP, being first duly sworn, depose and say that I am a State of Florida Attorney at Law and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application, and all sketch data and other supplementary matter attached and made a part of this application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before a hearing can be advertised.

Sworn to and subscribed before me
this 3rd day of October, 2002.

William W. Riley, Jr.
Notary Public
Commission Expires: _____



RESPONSIBILITIES OF THE APPLICANT

PLEASE READ CAREFULLY BEFORE SIGNING.

I hereby acknowledge that I am aware that the Department of Environmental Resources Management (DERM), the Public Works Department, and other County agencies review each zoning application and proffer comments that may affect its scheduling and outcome. These comments sometimes include requirements for an additional public hearing before DERM's Environmental Quality Control Board, (the EQCB) or other County boards, and/or the preparation and execution of agreements to run with the land which are recorded, prior to scheduling. I understand that it is my responsibility as the applicant or applicant's representative to promptly follow through with the Compliance of DERM or Public Works requirements or to advise this office in writing if the application will not go forward and may be considered withdrawn. Contact with the above mentioned agencies is advised during the hearing process. You may obtain the telephone numbers and locations of the reviewing departments at the Zoning hearings Counter.


Fees: Further I understand that the hearing fees paid at the time of filing may not be the total cost of the hearing, that I will be advised of the following fees which must be paid promptly: additional radius fee, deferral or readvertising fee (if applicant requests deferral), revision fee, and/or other fees assessed for changes or additions to the hearing application or plans. I am aware that applications withdrawn within 60 days of the date of filing are eligible for refund of 50% of the hearing fee. After that time, hearings that are withdrawn or returned for inaction will not be eligible for a refund.

Permit Requirements: I also understand that the South Florida Building Code may contain requirements that affect my ability to obtain a required building permit from the Department of Planning, Development and Regulations (10th Floor) for my project, even if my zoning application is approved at public hearing. I am aware that a Building Permit is required for all construction and that I am responsible for obtaining the required permits, all required inspections, and the Certificate of Use and Occupancy or Certificate of Completion for any and all structures and additions whether proposed or existing without permits. Additionally, I am aware that a Certificate of Use and Occupancy must be obtained for the use of the property, if approved at a Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or Use and Occupancy will result in the initiation of Enforcement action against the occupant and owner. I further understand that submittal of the Zoning Hearing application will not necessarily forestall enforcement action against the property.

Residential construction within 2 miles of a Blasting Site: Persons applying for a residence or residential development located within two miles of a permitted rock mining operation where blasting is permitted must record in the public records of Dade County a notice that the proposed development is within two miles of the blasting site, prior to the issuance of the first development permit. The notice must provide the location of the blasting site and state that such blasting is regulated by Chapter 13 of the Code of Metropolitan Dade County. Notice must be given to and signed by buyers with purchase contracts within the development. Maps showing permitted rock mining operations where blasting is permitted in Dade County are available in the Department of Planning, Development and Regulation (DPDR) and in the Public Works Department. Any developer may request a written opinion from the Director of Public Works as to whether a development is located within the two-mile area.


Farajollah Saedi, President, H.R. Realty & Investments, Inc.

Notary: Sworn to and subscribed before me this
3rd day of October, 2002.


Notary Public — State of Florida
My Commission Expires:



OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF FLORIDA

Public Hearing No. _____

COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared Farajollah Saedi, hereinafter the Affiant, who, being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president of H.R. Realty & Investments, Inc., a Florida corporation, with the following address:
705 Arvida Parkway, Miami, Florida 33156
2. The corporation owns the property which is the subject of the proposed hearing.
3. The subject property is legally described as: See Exhibit "A".

4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

[Signature]
Signature

HAMID SAEDI
Print Name

[Signature]
Signature

BADRZAMANI SAEDI
Print Name

[Signature]
Farajollah Saedi, President
H.R. Realty & Investments, Inc.

Sworn to and subscribed before me on the 3rd day of October, 2002. Affiant is personally known to me or has produced _____ as identification.

[Signature]
Notary
(Stamp/Seal)

My Commission Expires _____



DISCLOSURE OF INTEREST*

If the property which is the subject of the application is owned or leased by a CORPORATION, list the principal stockholders and the percentage of stock owned by each. [Note: where the principal officers or stockholders consist of another corporation(s), trustee(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

H.R. Realty & Investments, Inc., a Florida corporation
CORPORATION NAME

<u>NAME, ADDRESS, AND OFFICE</u>	<u>Percentage of Stock</u>
<u>Farajollah Saedi, President, 705 Arvida Parkway</u> <u>Miami, Florida 33156</u>	<u>50%</u>
<u>Badrozaman Saedi, President, 705 Arvida Parkway</u> <u>Miami, Florida 33156</u>	<u>50%</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

If the property which is the subject of the application is owned or leased by a TRUSTEE, list the beneficiaries of the trust and the percentage of interest held by each. [Note: where the beneficiary/beneficiaries consist of corporation(s), another trust(s), partnership(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

<u>TRUST NAME</u>	
<u>NAME AND ADDRESS</u>	<u>Percentage of Interest</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
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If the property which is the subject of the application is owned or leased by a PARTNERSHIP or LIMITED PARTNERSHIP, list the principals of the partnership, including general and limited partners. [Note: where the partner(s) consist of another partnership(s), corporation(s), trust(s) or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME

<u>NAME AND ADDRESS</u>	<u>Percentage of Ownership</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. [Note: where the principal officers, stockholders, beneficiaries, or partners consist of another corporation, trust, partnership, or other similar entities, further disclosure shall be required which discloses the identity of the individual(s) (natural persons) having the ultimate ownership interest in the aforementioned entity].

Not Applicable
NAME

<u>NAME, ADDRESS, AND OFFICE (if applicable)</u>	<u>Percentage of Interest</u>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

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For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

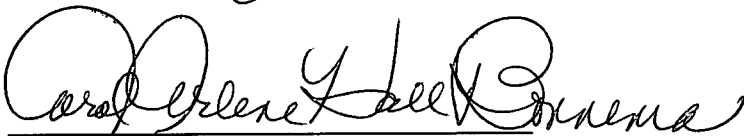
Signature:



Farajollah Saedi, President
H.R. Realty & Investments, Inc.

Sworn to and subscribed before me,

this 3rd day of October, 2002.



Notary Public, State of Florida at Large

(SEAL)

My Co



* Disclosure shall not be required of any entity, the equity interests in which are regularly traded on an established securities market in the United States or any other country; or of any entity, the ownership interests of which are held in a limited partnership consisting of more than 5,000 separate interests and where no person or entity holds more than a total of 5% of the ownership interest in the limited partnership.

9. Is there an option to purchase ☐ or lease ☐ the subject property or property of

☐ yes or ☒ no

If yes, who are the potential purchasers or lessees? (Complete section of Disclosure of Interest form, also.)

10. Present zoning classification(s): EU-M

11. REQUEST(S) COVERED UNDER THIS APPLICATION:

Please check the appropriate box and give a brief description of the nature of the request in the space provided. Be advised that all zone changes require a special exception to permit site plan approval except for rezoning to residential of 3 acres or less.

☒ District Boundary (Zone) Change(s):
Zone classifications request change from EU-M to RU-3M

☐ Special Exception to permit Site Plan Approval for _____

☒ Unusual Use to legalize a 22±-acre lake tract excavated on the Subject Property in the early 1970's

☒ Unusual Use to permit the grading, leveling, perimeter restoration, and sloping of the banks along the existing 22±-acre lake tract at a lower gradient than required by Section 3-16 of the Miami-Dade County Code

☐ Use Variance _____

☒ Non-use Variance to permit the vacation of a public right-of-way comprising a portion of theoretical SW 102nd Avenue

☐ Special Exception _____

☐ Modification of previous resolution/plan _____

☐ Modification of Declaration or Covenant _____

12. Has a public hearing been held on this property within the last year and a half? ☐ yes ☒ no

If yes, applicant's name _____

Date of hearing _____

Nature of hearing _____

Decision of hearing. _____

Resolution # _____

13. Is this hearing being requested as a result of a violation notice? ☐ yes ☒ no

If yes, give name to whom violation notice was served

Nature of violation _____

14. Are there any existing structures on the property? ☐ yes ☒ no

If yes, briefly describe _____

15. Is there any existing use on the property? ☐ yes ☒ no

If yes, what is the use and when was it established? Use _____

Established _____

PH # _____

Notice to all Applicants

Advisories from the County Attorney's Office

Advisory 1

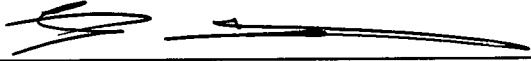
A recent decision of the Third District Court of Appeal has ruled that zoning applications that are inconsistent with the Comprehensive Development Master Plan cannot be approved by a zoning board based upon considerations of fundamental fairness.

Applicants are advised that, if their hearing request is inconsistent with The Comprehensive Development Master Plan and they decide to go forward with the public hearing, they cannot be approved under considerations of fundamental fairness, but can only be denied or deferred.

Advisory 2

A panel of judges of the Third District Court of Appeal recently issued a statement that the standard for non-use variances in the Code of Miami-Dade County is legally insufficient. *Miami-Dade County v. Brennan*, 2001 WL 1472655 (Fla. 3rd DCA 2001). Although the Court was not in a position to issue a binding ruling, it is the opinion of the County Attorney's Office that any non-use variance issued under the present standard would be unlikely to be sustained if challenged in court. The County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop a new standard that will address the Court's concerns. While the new standard is being developed, applicants are advised that any non-use variance granted under the existing standard is subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standard is developed.

By signing below, the applicant acknowledges that they have read and understood this Notice.



Farajollah Saedi, President
H.R. Realty & Investments, Inc.

10/03/2002

Date